

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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STRIKE 3 HOLDINGS, LLC, : Case No. 1:21-cv-10092-AJN  
Plaintiff, :  
: vs.  
: JOHN DOE subscriber assigned IP address  
207.237.93.111, :  
: Defendant. :  
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**MOTION FOR LEAVE TO SERVE A THIRD PARTY  
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Points and Authorities in support of this motion; (2) Declaration of David Williamson in support of this motion; (3) Declaration of Patrick Paige in support this motion; and (4) Declaration of Susan B. Stalzer in support of this motion, Strike 3 Holdings, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on RCN, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: 12/04/2021

Respectfully submitted,

By: /s/ Jacqueline M. James  
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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. Since Defendant's identity is unknown, I was unable to send a copy of the foregoing documents to Defendant or Defendant's counsel at this time.

By: /s/ Jacqueline M. James